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ROBERT L. PETTIT
(202) 429-7019

December 11, 1996

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Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C.

Federal Communications Commission
Office of Secretary

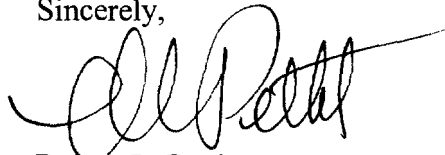
Re: Ex Parte Presentation in CC Docket 92-297

Dear Mr. Caton:

Enclosed are copies of three permitted ex parte presentations. Because of the size of the map, enclosure referred to in the letter, I am enclosing only one copy for filing with the official record.

Should any questions arise concerning this, please let me know.

Sincerely,



Robert L. Pettit
Counsel for Texas Instruments, Inc.

Enclosures

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VIA HAND-DELIVERY

The Honorable Rachelle Chong
Commissioner
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

Re: Ex Parte Presentation in CC Docket 92-297

Dear Commissioner Chong:

As you consider the LMDS proceeding, I thought you would be interested in the enclosed map – which is my attempt to represent graphically what we've been saying for the past several months on behalf of Texas Instruments.

Nearly six months ago when the Commission proposed the allocation of 300 MHz at 31 GHz on a primary basis for LMDS, it found that "existing [secondary] use of the 31 GHz band is relatively light". The record in this proceeding, as represented on the attached map, certainly confirms that finding. Using the Commission's records and Sierra Digital's submissions, we have plotted where the 31 GHz allocation is currently used. The record demonstrates that the current use of 31 GHz is minuscule and provides absolutely no support for Sierra Digital's demand for the allocation of at least 120 MHz of spectrum as a government-sponsored safe haven for its equipment on an *exclusive, nationwide* basis.

Under Sierra Digital's proposal, this protected spectrum would lie fallow – providing absolutely no benefit to the American people or increased auction revenues to the U.S. Government – in the vast majority of the United States. Texas Instruments submits that this makes no sense as a matter of spectrum policy and urges the Commission to formulate a "win-win" solution – by grandfathering existing secondary operations at 31 GHz and allowing the auction of the spectrum in the rest of country. Under TI's proposal, no existing user will be harmed, the Government will get additional auction revenue and, perhaps most important, the 31 GHz spectrum will actually be used in virtually all – not just a few – areas of the United States to the benefit of the American public.

The Honorable Rachelle Chong
December 11, 1996
Page 2

By the way, TI has been told that an auction for LMDS spectrum in Mexico is likely to occur before the end of February. As you know, the Canadian government has already awarded LMDS licenses.

Thanks, again, for your consideration. This is a critical juncture for the LMDS industry, and Texas Instruments looks forward to a Commission decision in the very near term.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. L. Pettit", with a stylized flourish at the end.

Robert L. Pettit
Counsel for Texas Instruments, Inc.

Enclosure

cc: William Caton (for association with the record in CC Docket 92-297)

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ROBERT L. PETTIT
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VIA HAND-DELIVERY

Mr. David Wye
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Re: Ex Parte Presentation in CC Docket 92-297

Dear David:

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Mr. David Wye
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Robert L. Pettit
Counsel for Texas Instruments, Inc.

Enclosure

cc: William Caton (for association with the record in CC Docket 92-297)

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VIA HAND-DELIVERY

Mr. David R. Siddall
Office of Commissioner Ness
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

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Robert L. Pettit
Counsel for Texas Instruments, Inc.

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